

United States District Court
District of Massachusetts

C.A. NO. 04-12122-JLT

Fredrick J. Bush
V. petitioner,

Dept of Corrections,
Respondent.

Now comes petitioner who respectfully request this honorable Court to deny oppositions motion for dismissal of Petitioners Habeas Corpus motion for Relief from Unlawfull Restraint, and dismiss Respondents motion, Allow Petitioner A Forum to Substantiate his claims of Constitutional Violations, and deprivations to this honorable Court.

wherefor: Respondent makes claim that petitioner has failed to exhaust his State remedies, and is barred from the instant Action of Habeas Corpus relief of Federal Court.

① Petitioner States that he has clearly, and lucidly presented his claims of Federally protected Constitutional rights that have been violated, and deprived by State Agencies under color of State Law.

② Petitioner has filed Habeas Corpus on (June 24, 04-docketed) and two successive motions to Compel, recognize, State Court has failed, or refused →

to recognize, acknowledge or address any of the three successive motions without reason, explanation or comment.

③ As in *Porcell V. Horn*, W.D. Pa. 2002, 187 F. Supp. 2d 260 (Habeas Corpus), petitioner has presented his Federal Claims Verbatim to State Court either thru a direct appeal or in petition for post conviction relief, should satisfy States exhaustion requirement as State Court was given opportunity correct alleged violations, and passed on that opportunity, in fact ignored Petitioner's pleas for relief from Unlawful Restraint completely.

④ As in extraordinary cases of Severe Violations, deprivations, procedural infirmities that threaten the foundation of our Federally protected Constitutional rights, the Jurisdiction lies within the realm of the Federal Court System.

AS Federal Statute's purpose for protection from Causes of passion, prejudice, neglect, intolerance or otherwise citizens enjoyments of rights, privileges, and immunities guaranteed by the Fourteenth Amendment might not be guaranteed by State Agencies.

⑤ Where petitioner herein has presented Claims to State Court to satisfy exhaustion requirement; even if he had not so done the Constitution infirmities of this case warrant Circumvention of the exhaustion requirement and petitioner respectfully request he be allowed to present in detail, be heard by this →

honorable court to Substantiate his claims made in Habeas Corpus motion, and to allow appropriate legal Counsel to Aid in this endeavor, this honorable court move forward with action, relief sought in the original filing of motion for Immediate release, any other actions or remedies this honorable court deems fit.

Therefore petitioner prays the forum for, relief sought is granted.

Signed, deposed this 12th day in the 11th month of November in the 2004th year of our Lord.

Respectfully

Fredrick J Bush